

ATTACHMENT #8

COURT FUNDING AND STRUCTURE SURVEY QUESTIONS

The Court Funding and Structure Committee included two questions in their recent questionnaire on District Court expenses with regard to District Court Redistricting.

The first question was "Does your judicial district currently use any of the following: special masters, judges pro tem, alternative dispute resolution, mandatory settlement conferences, or other methods of mitigating or reducing judicial caseloads?"

There were 15 counties responding (n=15).

	YES	NO
Special masters	6	8
Judges pro tem	1	10
Alternative dispute resolution	9	3
Mandatory settlement conference	8	4
Other:		
long-distance telephone conference hearings	(2)	
scheduling conferences with administrative assistant only	(2)	
plea agreements	(1)	
mediation for family law cases	(1)	

The second question had two parts. The first part was "What variables do you think need to be taken into consideration in a determination of whether judicial districts need to be redistricted?"

- Caseload and travel distance each received five mentions. One response noted that the distribution of cases among counties in a multicounty district should be taken into consideration.
- Population, type or nature of cases, amount of support staff/county resources, and the substitution rule each received three mentions. The substitution rule was mentioned in both the amount of time a judge must spend away from the judge's home district and also as to the availability of and for other judges.
- Travel time and geography were mentioned twice. Geography was mentioned in the context that a "one size fits all" approach will not work necessarily for both urban and rural districts.
- The following were mentioned in one response: weather conditions, highway conditions, number of counties in a district, trial days (jury), politics.

Two rural counties mentioned that their districts worked well and do not require redistricting. One county responded that there is too big of a problem the way that it is. They acknowledged that time is lost in travel but that telecommunications would help ease that problem.

The second part of the question involved whether information was available in the judicial district and

where the information resides. Few responses were given in this part. However, of all of these responses, the information that has not been gathered to date includes:

- Travel distance - the only information that was available from the State Court Administrator's Office was lease vehicle information for six judges. Distance between courthouses is available, but the number of times those distances are traveled is not easily accessible.
- Weather and highway conditions are ever-changing in Montana. Highway condition information would have to be time-specific and county-specific and still may not give a quantifiable variable.
- Information regarding caseload types is included in the table, including raw numbers for basic proportions. Information on what the differences are about the quality of these cases and the resources needed to resolve cases would need to be gathered through interviews and would be anecdotal at best without traditional court administrative data on the processing time from filing to disposition. The vast majority of counties appear to have a distribution of cases close to the state averages (see columns 9 through 12). The few outliers are based on raw proportions, and without more sophisticated statistical tests, it is unknown whether any of the differences would be statistically significant.
- Information on trial days was indicated as information that could be gathered from individual judges and clerks as to jury trial days, bench trial days, and days spent out of district due to substituting in another district.
- Information regarding support staff and county resources would be available from each county either through the judges, the clerks of district court, or the county commissioners. The District Court Funding survey gathered much of this information, and the report will be provided to the Subcommittee. Depending on their recommendations and the success of those recommendations in the Legislature, this may become a state resource issue and not a county resource issue.

The Subcommittee could consider asking or requiring the State Court Administrator to gather this information over the course of the next biennium in the continuing development of the Montana Judicial Case Management System. In the evolution of the current system or in potential migration to a new system, these variables could be considered for inclusion.

ATTACHMENT #9

OUTLIER DISTRICTS USING A PLUS OR MINUS 25% DEVIATION

Using 1999 caseload dispositions and a total of 40 judges (although all 40 will not be in office until 2001), the average number of dispositions per judge is 842. The average caseload filings for 40 judges is 852. The following districts are outside of a 25% deviation in both dispositions and filings:

The following judicial districts would have over 25% more case dispositions and filings per judge than average:

- 1 - Broadwater, Lewis and Clark
- 8 - Cascade
- 13 - Yellowstone

The following jurisdictions would have over 25% less case dispositions and filings per judge than average:

- 2 - Silver Bow
- 7 - Dawson, McCone, Prairie, Richland, Wibaux
- 10 - Fergus, Judith Basin, Petroleum
- 14 - Golden Valley, Meagher, Mussellshell, Wheatland
- 15 - Daniels, Roosevelt, Sheridan
- 16 - Carter, Custer, Fallon, Garfield, Powder River, Rosebud, Treasure
- 17 - Blaine, Phillips, Valley
- 20 - Lake, Sanders